

Municipal Council Meeting Minutes
Tuesday, September 9, 2008
7:00PM Town Hall Auditorium

Call to Order

Pledge of Allegiance

Roll Call: Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Roger Benson

Act on Minutes – June 18, 2008, July 8, 2008, July 22, 2008

Councilor Dunford motioned to accept, Councilor Ferguson second, Voted Unanimous

By request of the Mayor – Update by Attorney Tom Urbelis on Baileys Pond in regards to the Inspector Generals report

Attorney Urbelis states negotiations with Farfard's attorney are on going and progress is being made.

Councilor Gilday asked Attorney Urbelis if he is negotiating a time frame in the new contract as to when the project has to begin. Attorney Urbelis states the lack of a time frame is one of the key criticisms in the Inspector Generals report. It has been discussed and there may be several different kinds of time frames for things to happen. It is clearly one of the top items.

Councilor Sherwood asked what some of the key points in the negotiations were. Attorney Urbelis preferred not to discuss them in open session.

Public Comment

Mario Pinierio, 4 Gardner Street – In regards to bill 2008-071, fee changes in the Clerk's office, Mr. Pinierio does not feel it is necessary to raise fees. He is very upset with two of the Councilor's and the Mayor for sending letters to the Governor to veto the Eminent Domain bill.

Alison Lindstrom, 10 Wells Ave. – Ms. Lindstrom feels the Eminent Domain bill was voted for by the people of Amesbury and should have been upheld. In regards to bill 2008-074, the creation of an Energy Resources Task Force, she states there are already two energy committees and does not feel it is necessary especially when there is a new energy business downtown.

Jane Snow, Fern Avenue – Ms. Snow stated that at the council meetings there have been many questions asked and there were never any answers. She states if the councilors want the public to be involved they should answer their questions. She was also deeply saddened that there were letters to the Governor to veto the Eminent Domain bill.

Donald Swenson, Director of Emergency Management – Mr. Swenson wanted to let the citizens know about the new Mass Notification system Code Red. He is encouraging the residents of Amesbury to go on the Amesbury web site, click on Code Red to make sure they are on the system or to enter a cell phone number.

Council Response to Public Comment

Councilor Gilday responds to Ms. Snow stating that he did give a council update on Baileys Pond at the May council meeting. He also met with the Mayor over at Baileys Pond with local residents.

Councilor Dunford responding to Ms. Snow states he does answer formal questions he receives by e-mail. He suggests to the people making comments at the public comment portion of the meeting to follow up with a letter or e-mail to their councilors. He responds to Alison Lindstrom regarding the new

energy task force stating it will expire at the end of December 2009 with specific goals. The other two committees will be canceled.

Councilor Lavoie states Amesbury still has an eminent domain law. The only thing that doesn't exist is special state legislation that would have prevented any future council from changing what we put on the books in the prior council.

Councilor Sherwood responded to Ms. Snow stating the sharing of information benefits everybody. The Mayor's monthly reports are posted on his web site as soon as he gets them along with other documents he believes would be of interest to the public.

Councilor Ferguson responded to Alison Lindstrom regarding the Eminent Domain issue. She understands Ms. Lindstrom is disappointed about the veto. Councilor Ferguson did not write a letter about it. She called Boston and was assured Amesbury still had Eminent Domain protection and felt it was in good hands on the Governor's desk. She feels all of the councilors are trying to do what is best for Amesbury. In regards to Ms. Snow's looking for answers to questions asked. Councilor Ferguson states she answers all questions about specific events within one or two days.

President Benson stated he did call Representative Costello to express his displeasure with the Eminent Domain bill.

Councilor Lavoie motions to take item 11 Correspondence out of order at this time. Councilor McMilleon – Voted Unanimous

Correspondence

a. President/Vice President Communications

Councilor Lavoie asks the Mayor to post his monthly up dates on the web.

b. Communication from Elected Officials, Boards and Commissions

Councilor Chatigny reported on the Audit Committee meeting held with the Auditors, Councilor Dunford and Mike Basque. The Auditors mentioned there is a requirement now for the Town to begin to account for post employment benefits. They explained the whole audit process and pointed out items the councilors should be watching.

2008-069 Sept. 16, 2008 Warrant for State Primary

Councilor Sherwood motioned to approve the State Warrant, Councilor Dunford second.

Councilor Lavoie read 2008-069 into the record.

Voted - Unanimous

2008-070 Resignation of Michael Browne from Planning Board

Councilor Neale motioned to accept the resignation of Michael Browne, Councilor Lavoie second

Voted – Unanimous

Councilor Lavoie motioned to declare the seat vacant, Councilor Neale second.

Voted – Unanimous

Councilor Lavoie motioned to schedule a joint meeting with the Planning Board for October 14, 2008 to fill the vacancy, Councilor McMilleon second.

Voted - Unanimous

Licenses and Permits

2008-052 Subway, 105 Main Street – Common Victualler
Councilor Ferguson motioned to accept 2008-052, Councilor Neale second
Voted – Unanimous

2008-072 Amesbury Auto Sales, 17 Haverhill Rd – Auto Class II
President Benson abstained from the vote, Councilor Lavoie to over as Vice President.

Terra Nardone stated she is applying for the license and it will be a family run business to sell 40 – 45 cars and service.

Councilor Gilday stated the Building Inspector set a limit of no more than 45 cars.

Councilor Gilday motioned to accept 2008-072 with Mr. Nadeau's restrictions, Councilor McMilleon second.
Voted - Unanimous

2008-076 Maggie Sundae, 60 Friend St. – Common Victualler – transfer
Adele Faso and Kim Richards attended to represent Maggie Sundae. The license is to be transferred from Kim Richard to Adele Faso.

Councilor Sherwood motioned to approve 2008-076, Councilor Chatigny second.
Voted - Unanimous

Mayoral Appointments

2008-077 Appointment of Su Bailey – Cultural Council term to expire 6/30/11
Ms. Bailey is looking forward to being involved with the Open Studio Tour and disseminating grants to artists in the local area.

Councilor Ferguson motioned to accept 2008-077, Councilor Sherwood second.
Voted – Unanimous

2008-078 Appointment of Justin Chase – Conservation Commission term to expire 6/30/11
Mr. Chase has a background in environmental sciences and business administration and strategy.

Councilor Neale motioned to accept 2008-078, Councilor McMilleon second.
Voted – Unanimous

2008-079 Appointment of Leah Hill – Cultural Council term to expire 6/30/11
Ms. Hill states his background is in City Planning and she believes it will serve the council well.

Councilor Ferguson motioned to accept 2008-079, Councilor Chatigny second.
Voted – Unanimous

Second Readings

Public Hearings

2008-058 Accept Quitclaim deed for 7 Morsecroft Lane – Mayor Kezer sponsor cont.
Councilor Lavoie read 2008-058 into the record and opened the public hearing.

Councilor Lavoie read the recommendations from the Planning Board, Conservation Commission and Ordinance Committee.

Ordinance Committee

To discharge back to the Municipal Council with the recommendation that it be approved with the following changes and subject to the following conditions: Change the title of the bill to add “for land off of Whitehall Rd.” and change the third line of the bill after the words Quitclaim deed to read; Quitclaim deed from Beverly Dunn Hughes for land off of Whitehall Rd.

The Acceptance page for the Municipal Council should be corrected to read instead of Town Council that it be Municipal Council of the City known as the Town of Amesbury in *two* locations.

A recommendation that the Municipal Council require evidence of good title in the form of either a attorney certificate of title or a title insurance policy and secondly that the municipality be supplied with satisfactory environmental reports showing that the land does not contain hazardous waste.

Planning Board and Conservation Commission

Superseding Order of Conditions as recorded with Essex South District Registry of Deeds at Book 16543, Page 324, is still open and needs to be closed with a **Certificate of Compliance to be issued by Mass DEP.**

Property identification should be added: **184 Whitehall Road; (Lot 3, Map 10, Lot 1C) (Lot 4, Map 10, Lot 1D) (Lot 5, Map 10, Lot 1 E) (Lot 6, Map 10, Lot 1F) (Lot 7, Map 10, Lot 1)**

First page, second paragraph, plan reference be changed to: “**Cluster Subdivision Plan, Town of Amesbury, MA, dated July 24, 2004, revised June 2, 2005.**”

Fist page, second paragraph, plan reference be changed to: **Plan Book 390, Plan 51 (see Sheet 3 of 10)**

Councilor Lavoie stated all three committees voted to accept with conditions.
President Benson closed the public hearing.

Councilor Lavoie motioned that the Council follow the recommendation of the Ordinance Committee, Conservation Commission and the Planning Board and vote to accept 2008-058 as follows:

- 1. Change the title of the bill to add “**for land off Whitehall Rd**”*
- 2. Change the third line of the bill after the words Quitclaim deed to read; Quitclaim deed from Beverly Dunn Hughes for land off Whitehall Rd.*
- 3. The Acceptance page for the Municipal Council should be corrected to read instead of Town Council that it be Municipal Council of the City known as the Town of Amesbury – in **two** locations*
- 4. The Municipal Council require evidence of good title in the form of either an attorney certificate of title or a title insurance policy and the municipality be supplied with satisfactory environmental reports showing the land does not contain hazardous waste.*

5. *Superseding Order of Conditions as recorded with Essex South District Registry of Deeds at Book 16543, Page 324, is still open and needs to be closed with a **Certificate of Compliance to be issued by Mass DEP.***
6. *Property identification should be added: **184 Whitehall Road; (Lot 3, Map 10, Lot 1C) (Lot 4, Map 10, Lot 1D) (Lot 5, Map 10, Lot 1 E) (Lot 6, Map 10, Lot 1F) (Lot 7, Map 10, Lot 1)***
7. *First page, second paragraph, plan reference be changed to: **“Cluster Subdivision Plan, Town of Amesbury, MA, dated July 24, 2004, revised June 2, 2005.”***
8. *Fist page, second paragraph, plan reference be changed to: **Plan Book 390, Plan 51 (see Sheet 3 of 10)***

Councilor Chatigny second.

Roll Call Vote – 9 Yes, Unanimous

2008-061 A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor cont.
President Benson opened the public hearing.

Mayor Kezer states under normal circumstances, a road acceptance would come before the Council only after all the work is complete. Until these roads are accepted school buses can not travel on them. Item 2008-061 was placed on the agenda to shorten the time it will take to approve it when the work is complete. He is asking for the Council to continue it.

President Benson closed the public hearing.

Councilor Lavoie motioned to continue the public hearing on 2008-061 and wait for the report from the Planning Board and the Mayor's office that it is appropriate to act on it, Councilor Neale second. Voted Unanimous

First Readings

2008-064 Accept a \$5,000 grant from the Executive Office of Public Safety – Mayor Kezer sponsor

Councilor Sherwood motioned to refer 2008-064 to the Finance Committee, Councilor Neale second. Voted - Unanimous

2008-065 Accept a donation of \$5,000 from the Amesbury Health Care Charitable Trust - Mayor Kezer sponsor

Councilor Ferguson motioned to refer 2008-065 to the Finance Committee, Councilor Neale second. Voted – Unanimous

2008-066 Accept a donation of \$830 from Amesbury Health Care Charitable Trust – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-066 to the Finance Committee, Councilor Dunford second. Voted - Unanimous

2008-067 Accept a donation of \$5,000 from The Provident Community Foundation – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-067 to the Finance Committee, Councilor Ferguson second. Voted – Unanimous

2008-068 Amend Bill #2006-111B emergency repairs to the Police Station – Mayor Kezer sponsor

Councilor Ferguson motioned to refer 2008-068 to the Finance Committee, Councilor Lavoie second. Voted - Unanimous

2008-071 An Order to change various fees in the Town Clerk's Office and to adopt a Schedule of Fees – Councilor Chatigny sponsor

Councilor Neale motioned to refer 2008-071 to the Finance Committee and Ordinance Committee, Councilor Sherwood second Voted - Unanimous

2008-073 Authorize the Mayor to petition the Merrimack Valley Planning Commission to discontinue its interest in a county "Road Parcel" – Mayor Kezer sponsor

Councilor Sherwood motioned to refer 2008-073 to Ordinance Committee and the Planning Board, Councilor Neale second. Voted - Unanimous

2008-074 An Ordinance to Create an Energy Resources Task Force – Councilor's Sherwood, Chatigny, Dunford and Ferguson sponsor

Councilor Dunford motioned to refer 2008-074 to the Ordinance Committee, Councilor Sherwood second. Voted - Unanimous

2008-075 Authorize the Mayor to enter into an agreement with Wheelabrator North Andover for disposal of Amesbury's solid waste – Mayor Kezer sponsor

Councilor Neale motioned to refer 2008-075 to the Finance Committee, Councilor Ferguson second. Voted – Unanimous

Councilor Dunford motioned to adjourn, Councilor Lavoie second. – Voted Unanimous
Adjourn 8:25PM

Respectfully Submitted
Assistant Town Clerk